

Committee Room,
Austin, Texas, March 3, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 200
carefully examined and compared
and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, March 3, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. B. No. 219
carefully examined and compared
and find same correctly enrolled.

WESTERFELD, Chairman.

THIRTY-THIRD DAY.

(Thursday, March 4, 1937)

The Senate met at 10 o'clock a.
m., pursuant to adjournment, and
was called to order by President
Woodul.

The roll was called.

The President announced that
there was not a quorum present.

Senator Holbrook moved a call of
the Senate for the purpose of se-
curing and maintaining a quorum,
and the motion was duly seconded
and a call of the Senate ordered.

Senators Lemens, Nelson, Cotten,
Beck, Shivers, Westerfeld, Newton
and Winfield appeared in the Senate
Chamber and were recorded present.

The roll call then revealed the
following Senators were present:

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Sulak.
Ishell.	Van Zandt.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

The following Senators were ab-
sent and excused:

Davis.	Spears.
Small.	Weinert.

A quorum was announced present.
The invocation was offered by the
Chaplain.

Reading of the Journal of the pro-
ceedings of yesterday was dispensed
with, on motion of Senator Aikin.

Leaves of Absence Granted.

Senator Davis was granted leave
of absence for today and tomorrow
on account of illness, on motion of
Senator Woodruff.

Senator Small was granted leave
of absence for today, on account of
important business, on motion of
Senator Moore.

Senator Weinert, was granted
leave of absence for today on ac-
count of important business, on mo-
tion of Senator Holbrook.

Address Ordered Printed.

On motion of Senator Holbrook, it
was ordered that the address of Hon.
Tom Connally delivered to the Joint
Session of the Legislature on March
2, 1937, be printed as a supplement
to today's Journal and that 250 extra
copies of the supplement be printed.

Reports of Standing Committees.

Reports on Senate Bills Nos. 91,
61, 402, 298, 323 and 415, and on
H. B. No. 321 were submitted by the
chairmen of the several committees
to which they were referred. (See
appendix for reports in full.)

Senate Bill No. 415 on First Reading.

Senator Redditt moved that the
rule limiting the introduction of bills
during the Regular Session of the
Legislature be suspended, to permit
the introduction of a general bill by
himself at this time.

The motion prevailed by the fol-
lowing vote:

Yeas—25.

Aikin.	Brownlee.
Beck.	Burns.

Collie.	Pace.
Cotten.	Redditt.
Hill.	Roberts.
Holbrook.	Shivers.
Isbell.	Stone.
Lemens.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.
Oneal.	

Absent.

Head. Rawlings.

Absent—Excused.

Davis.	Spears.
Small.	Weinert.

The following bill was then introduced, read first time and referred by the President to the Committee on Finance:

By Senator Redditt:

S. B. No. 415, A bill to be entitled "An Act amending Subsection (b) of Section 11 of Article 2 of H. B. No. 8, passed by the Third Called Session of the Forty-fourth Legislature, said bill being known as the Omnibus Tax Bill, and declaring an emergency."

Message from the Governor

A Secretary of the Governor was recognized to present a message from the Governor, which was read to the Senate, as follows:

Austin, Texas, March 3, 1937.
To the Members of the Forty-fifth Legislature:

Attached is proposed bill ratifying an agreement, subject to approval of Congress between Texas and New Mexico involving the Pecos River. The equitable apportionment of the waters of the Pecos River is of vital concern to Texas; and unless the States of New Mexico and Texas enter into an agreement as outlined in the proposed bill, those entitled to the use of the waters of the Pecos River in Texas will probably suffer injury.

This matter is now pending before the New Mexico Legislature which will adjourn shortly, and such Legislature will probably not pass the bill in that state unless like legislation is passed in Texas. For this reason, this matter is submitted to

you as emergency with the request that the attached bill be introduced promptly and passed, if possible, at once.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

Messages from the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 4, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to print on minority report by a vote of 72 yeas and 51 nays the following bill:

H. B. No. 154, A bill to be entitled "An Act to amend Section 5, Article 827a, of the Penal Code (Acts of the Regular Session, Forty-second Legislature, Chapter 282, page 507), regulating the size of commercial motor vehicles and semi-trailers; fixing the load limit that may be transported on commercial vehicles and combinations of such vehicles outside the limits of an incorporation city or town; fixing the number of pounds per inch width of tire upon any wheel concentrated upon the surface of the highway; fixing the load limit to be transported upon truck-tractor and semi-trailer combinations under certain conditions, and declaring an emergency."

The House has passed the following bill:

H. B. No. 277, A bill to be entitled "An Act providing relief for the Old Glory Rural High Common School District No. 4 of Stonewall County, Texas, in replacing buildings and equipment destroyed by a disastrous fire on December 13, 1936; making an appropriation for said district to replace said buildings and equipment, and declaring an emergency." (With engrossed riders.)

The House has passed the following resolutions:

H. C. R. No. 38, Granting A. J. Laas permission to sue the State of Texas and the State Highway Department for damages to person and property.

H. C. R. No. 39, Granting Mrs. Joe W. Taylor permission to sue the

State of Texas, the State Highway Commission, and the County of McLennan for property damages.

H. C. R. No. 42, Granting Mrs. Pearl Crenshaw and others permission to sue the State of Texas and the State Highway Department for damages to person.

H. C. R. No. 45, Granting W. F. Sewell permission to sue the State of Texas for property damages.

H. C. R. No. 46, Granting E. A. Elliot permission to sue the State of Texas for property damages.

H. C. R. No. 47, Granting Mrs. Patsy Ballew Smith permission to sue the State of Texas for personal damages.

H. C. R. No. 48, Authorizing the Enrolling Clerk of the House to correct the caption of H. B. No. 218.

H. C. R. No. 50, Authorizing the Highway Department to lend certain equipment to Wolfe City and Honey Grove.

The House has concurred in Senate amendments to H. B. No. 245 by a vote of 124 yeas, 0 nays.

The House has passed the following bills:

H. B. No. 6, A bill to be entitled "An Act to amend Section 2 of Chapter 162, Acts, Regular Session of the Forty-third Legislature, page 409, as amended by Chapter 12, Acts, First Called Session of the Forty-third Legislature, as amended by Chapter 495, Section Four, Article Four, House Bill No. 8, Third Called Session, Forty-fourth Legislature, and declaring an emergency."

H. B. No. 271, A bill to be entitled "An Act making appropriations for the support and maintenance of summer schools during the summer of the year 1937, at the several State institutions of higher learning in the State of Texas, authorizing the expenditure of said institutions of certain additional amounts from fees collected from summer school students, and declaring an emergency."

H. B. No. 258, A bill to be entitled "An Act creating Firemen's Relief and Retirement Fund in the State of Texas and in all cities, towns, and villages thereof having a regularly organized fire department with fire fighting equipment or apparatus of the value of One Thousand (\$1,000.00) Dollars or more there-

in; etc.; and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills and Resolution Signed

The President Pro Tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

H. B. No. 432, "An Act amending Article I of Acts 1935, Forty-fourth Legislature, Second Called Session, page 1795, Chapter 467, known as the Texas Liquor Control Act, by adding thereto a new section to be known as Section 50; authorizing search warrant to issue for the purpose of searching for and seizing and disposing of intoxicating liquors under certain circumstances and prescribing the rules relative thereto, and declaring an emergency."

H. B. No. 245, "An Act to declare a closed season on the killing of deer and turkey in Throckmorton and Shackelford Counties for a period ending February 1, 1941, prescribing a penalty therefor, and declaring an emergency."

H. B. No. 123, "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than 4,600 and not more than 4,650, whether organized under general or special law, repealing all laws in conflict herewith, both general and special, and declaring an emergency."

S. B. No. 374, "An Act to amend Subsection (d) of Section 19 of Senate Bill No. 5, Forty-fourth Legislature, First Called Session, Acts 1935, Chapter 465, and to include therein provision for compensation of county commissioners in counties having a population in excess of 355,000 inhabitants, according to the last preceding or any future Federal Census, and for compensation of judges of the County Court at Law and County Court at Law No. 2 of Harris County, Texas, and declaring an emergency."

H. B. No. 56, "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for of-

rice and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of Laws, General or Special, in conflict herewith, and declaring an emergency."

H. B. No. 22, "An Act to amend Chapter 3 of the Acts of the Regular Session of the Thirty-ninth Legislature, the same being an Act entitled: 'An Act to aid the City of Galveston in elevating and raising said city so as to protect it from calamitous overflows by donating and granting to it the State ad valorem taxes and a part of the occupation and poll taxes collected on property and from persons in Galveston County for a period of ten years, and to provide a penalty for their misapplication,' by extending the provision of said Act for a period of five years from September 1, 1938, and declaring an emergency."

H. C. R. No. 14, Asking for contributions for the relief of the citizens of Ohio, Kentucky, and other flooded states.

House Bill No. 150 on Passage to Third Reading.

(Unfinished Business.)

The President laid before the Senate, as unfinished business, on its passage to third reading (the bill having been read second time on yesterday):

H. B. No. 150, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas, with the approval and consent of the Attorney General and Land Commissioner, to lease for oil and/or gas and/or sulphur and/or other mineral development all lands used for experiment stations under its control; etc., and declaring an emergency."

With the following amendment by Senator Burns pending:

Amend H. B. No. 150 by adding a new Section at an appropriate place, as follows:

"Section —. That Sections 11 and 14 of Chapter 13, Acts Fourth Called Session of the Forty-first Legislature of the State of Texas be and each is hereby amended so as to hereafter read respectively as follows:

"Sec. 11. Royalty as stipulated in the sale shall be paid to the General Land Office at Austin, Texas, for the

benefit of the Texas Prison System on or before the 20th day of each succeeding months for the preceding month during the life of the rights purchased and it shall be accompanied by the sworn statement of the owner, manager or other authorized agent showing the gross amount of oil produced and saved since the last report and the amount of gas produced and sold off the premises and the market value of the oil and gas, together with a copy of all daily gauges of tanks, gas meter readings, pipe line receipts, gas line receipts and other checks and memoranda of the amounts produced and put into pipe lines, tanks or pools and gas lines or gas storage. The books and accounts and all bids, receipts and discharges of all wells, tank, pools, meters, pipe lines and all contracts and other records pertaining to the production, transportation, sale and marketing of the oil and/or gas shall at all times be on file in the General Land Office and be subject to inspection and examination by the Commissioner of the General Land Office, the Attorney General, the Governor or any member of the State Prison Board."

"Sec. 14. All surveys, files, records, copies of sale and lease contracts and all other records pertaining to the sales and leases hereby authorized shall be filed in the General Land Office and constitute archives thereof. Payment hereunder shall be made to the Commissioner of the General Land Office at Austin, Texas, who shall transmit to the State Treasurer all the money received from royalties, bonuses, rentals from the sale of oil and gas and shall deposit to the credit of a special fund to be known as "The Texas Prison System Special Fund for Permanent Improvements," and all rentals for delay in drilling and all other payments including all filing assignments and relinquishment fees hereunder to be deposited with the State Treasurer to the credit of said special fund; the special fund to be used for the purpose of building, constructing permanent improvements on said prison properties and for buying land within or adjacent to said prison properties and for buying land within or adjacent to said prison farms, but said money, when and if it reaches the sum of Seven

Hundred Thousand (\$700,000.00) shall after that date be placed to the credit of the general fund of the State of Texas, but in no event shall the Texas Prison Board expand said fund except upon the same being appropriated by the Legislature."

Senator Redditt offered the following substitute for the amendment:

Amend H. B. No. 150 by adding a new Section at an appropriate place as follows:

"Section 1. That Sections 11 and 14 of Chapter 13, Acts Fourth Called Session of the Forty-first Legislature of the State of Texas be and each is hereby amended so as to hereafter read respectively as follows:

"Sec. 11. Royalty as stipulated in the sale shall be paid to the General Land Office at Austin, Texas, for the benefit of the Texas Prison System on or before the 20th day of each succeeding months for the preceding month during the life of the rights purchased, and it shall be accompanied by the sworn statement of the owner, manager or other authorized agent showing the gross amount of oil produced and saved since the last report and the amount of gas produced and sold off the premises and the market value of the oil and gas, together with a copy of all daily gauges of tanks, gas meter readings, pipe line receipts, gas line receipts and other checks and memoranda of the amounts produced and put into pipe lines, tanks or pools and gas lines or gas storage. The books and accounts and all bids, receipts and discharges of all wells, tanks, pools, meters and pipe lines and all contracts and other records pertaining to the production, transportation, sale, and marketing of the oil and/or gas shall at all times be on file in the General Land Office and be subject to inspection and examination by the Commissioner of the General Land Office, the Attorney General, the Governor or any member of the State Prison Board."

"Sec. 14. All surveys, files, records, copies of sale and lease contracts and all other records pertaining to the sales and leases hereby authorized shall be filed in the General Land Office and constitute archives thereof. Payment hereunder shall be made to the Commissioner

of the General Land Office at Austin, Texas, who shall transmit to the State Treasurer all the money received from royalties, bonuses, rentals from the sale of oil and gas and shall deposit to the credit of a special fund to be known as "The Texas Prison System Special Fund for Permanent Improvements," and all rentals for delay in drilling and all other payments including all filing assignments and relinquishment fees hereunder to be deposited with the State Treasurer to the credit of said special fund; the special fund to be used for the purpose of building, constructing permanent improvements on said prison properties and for buying land within or adjacent to said prison properties and for buying land within or adjacent to said prison farms; provided, however, that said money received by the State Treasurer from royalties, bonuses, rentals, sale of oil and gas from said Prison Farms shall be divided equally or at the rate of fifty per cent (50%) being placed in the General Revenue Fund, and fifty per cent (50%) being placed in the Texas Prison System Special Fund for Permanent Improvements until the sum of Five Hundred Seventy-five thousand (\$575,000.00) Dollars is reached, and after this amount is placed in said Special Fund, all of said revenues shall go to the General Fund of the State of Texas, but it is expressly provided that the Texas Prison Board shall not expend any of said Special Fund hereby set aside except upon the same being appropriated by the Legislature of the State of Texas."

The substitute was adopted.

Question recurring on the amendment as substituted, yeas and nays were demanded.

The amendment as substituted was lost by the following vote:

Yeas—10.

Burns.	Newton.
Cotten.	Pace.
Hill.	Redditt.
Holbrook.	Westerfeld.
Nelson.	Woodruff.

Nays—16.

Aikin.	Collie.
Beck.	Isbell.
Brownlee.	Lemens.

Moore.
Neal.
Oneal.
Rawlings.
Roberts.

Shivers.
Stone.
Sulak.
Van Zandt.
Winfield.

Absent.

Head.

Absent—Excused.

Davis.
Small.

Spears.
Weinert.

Senator Hill offered the following amendment to the bill:

Amend H. B. No. 150, Section 4, lines 26 and 38 by substituting for the words and figures "One Dollar (\$1)" the words and figures "Three Dollars (\$3.00)."

The amendment was adopted.

Senator Hill offered the following amendment to the bill:

Amend H. B. No. 150 by striking out Subsection (d) of Section 8.

(Senator Woodruff in the Chair.)

Senator Oneal offered the following substitute for the amendment:

Amend H. B. No. 131 by striking out of subdivision (d) Section 8 the words "or discontinue."

The substitute was adopted.

The amendment as substituted was adopted.

Senator Hill offered the following amendment to the bill:

Amend H. B. No. 150, page 3, Section 8, by adding at the end thereof the following:

"The production of oil, or gas shall be based on the ability of each well to produce. Provided however, the production of oil shall be based on the ability of each well to produce, and no plan of unitized production, or acreage basis of production shall ever be imposed.

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—12.

Aikin.
Beck.
Burns.
Cotten.
Hill.
Isbell.

Lemens.
Newton.
Pace.
Sulak.
Westerfeld.
Woodruff.

Nays—13.

Brownlee.
Collie.

Head.
Moore.

Neal.
Oneal.
Rawlings.
Redditt.
Roberts.

Shivers.
Stone.
Van Zandt.
Winfield.

Present—Not Voting.

Nelson.

Absent.

Holbrook.

Absent—Excused.

Davis.
Small.

Spears.
Weinert.

Senator Hill offered the following amendment to the bill:

Amend H. B. No. 150, page 3, Section 9, line 61 by adding after the word "do" the word "under."

The amendment was adopted.

Senator Pace moved to reconsider the vote by which the amendment by Senators Redditt and Beck to H. B. No. 150 was adopted on yesterday.

Senator Redditt moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—15.

Beck.
Burns.
Head.
Hill.
Isbell.
Lemens.
Nelson.
Newton.

Oneal.
Redditt.
Roberts.
Sulak.
Van Zandt.
Westerfeld.
Woodruff.

Nays—12.

Aikin.
Brownlee.
Collie.
Cotten.
Holbrook.
Moore.

Neal.
Pace.
Rawlings.
Shivers.
Stone.
Winfield.

Absent—Excused.

Davis.
Small.

Spears.
Weinert.

Senator Redditt offered the following amendment to the bill:

Amend the caption to conform with changes in the body of the bill: The amendment was adopted.

H. B. No. 150 was then passed to third reading.

House Bill No. 150 on Third Reading.

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 150 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25.

Aikin.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Shivers.
Hill.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Nays—2.

Beck.	Holbrook.
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Absent—Excused.

Davis.	Spears.
Small.	Weinert.

The President laid H. B. No. 150 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24.

Aikin.	Newton.
Brownlee.	Oneal.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Head.	Roberts.
Hill.	Shivers.
Isbell.	Stone.
Lemens.	Sulak.
Moore.	Van Zandt.
Neal.	Winfield.
Nelson.	Woodruff.

Nays—3.

Beck.	Westerfeld.
Holbrook.	

Absent—Excused.

Davis.	Spears.
Small.	Weinert.

Senate Bill No. 416 on First Reading.

The following bill on the subject of an emergency matter submitted by the Governor for consideration of the Legislature, was introduced, read first time and referred by the Presiding Officer to Committee on Federal Relations:

By Senator Winfield:

S. B. No. 416, A bill to be entitled "An Act ratifying and confirming, subject to the consent and approval of the Congress of the United States, an agreement and compact between the States of New Mexico and Texas, pertaining to the construction and maintenance of the Alamogordo Reservoir upon the Pecos River in the State of New Mexico, and providing for agreement on the part of the State of New Mexico pertaining to the use of the waters of the Pecos River."

House Concurrent Resolutions Referred.

The following resolutions, received from the House today, were laid before the Senate, read severally and referred to the committees indicated:

H. C. R. No. 38, to Committee on State Affairs.

H. C. R. No. 39, to Committee on State Affairs.

H. C. R. No. 42, to Committee on State Affairs.

H. C. R. No. 48, to Committee on Game and Fish.

H. C. R. No. 45, to Committee on State Affairs.

H. C. R. No. 46, to Committee on State Affairs.

H. C. R. No. 47, to Committee on State Affairs.

H. C. R. No. 50, to Committee on State Highways and Motor Traffic.

House Bills on First Reading.

The following bills, received from the House today, were read first time, and referred to the appropriate committees as indicated:

H. B. No. 6, to Committee on State Affairs.

H. B. No. 271, to Committee on Finance.

H. B. No. 258, to Committee on Labor.

H. B. No. 277, to Committee on Finance.

House Bill No. 268 on Passage to Third Reading.

Senator Redditt called up from the President's table, on its passage to third reading (the bill having been read second time on February 11, 1937):

H. B. No. 268, A bill to be entitled "An Act making it unlawful to kill squirrel in Angelina and Tyler Counties, Texas, during the month of July; declaring it unlawful for any person to kill, take or have in his possession for purpose of sale any wild fox or the pelts thereof, providing that this law shall be in force for a period of two years; prescribing a penalty for the violation of the provisions of this Act; repealing all laws in conflict, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, on its passage to third reading.

Senator Redditt offered the following amendments to the bill:

(1)

Amend H. B. No. 268 by striking out all after the enacting clause and adding the following:

Section 1. It shall be unlawful for any person to kill, take or have in his possession for barter or sale, after the passage of this Act, any wild fox or the pelts thereof, providing this Section shall apply to Angelina and Tyler Counties only; providing, however, it shall not be unlawful to kill wild fox in the act of destroying or about to destroy domestic fowls or other domestic stock; and provided further that the provisions of this Act shall not apply during any months in which trapping is now legal in Angelina and Tyler Counties.

Sec. 2. This law shall be in force and effect for a period of two (2) years from and after its passage.

Sec. 3. Every person violating the terms of this Act shall, upon conviction, be punished by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00).

Sec. 4. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 5. The importance of this Act, that the change in the law

herein made should be made for the benefit of those living in said described territory, creates an emergency and an imperative public necessity that the Constitutional Rule requiring Bills to be read on three several days be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

(2)

Amend H. B. No. 268 by striking out all above the enacting clause and inserting in lieu thereof the following:

An Act declaring it unlawful for any person to kill, take, or have in his possession for purpose of sale any wild fox or the pelts thereof, providing that this law shall be in force for a period of two years; providing various exceptions and exemptions; prescribing a penalty for the violation of the provisions of this Act; repealing all laws in conflict, and declaring an emergency."

The amendments were adopted severally.

H. B. No. 268 was passed to third reading.

House Bill No. 268 on Third Reading.

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 268 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27.

Alkin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Davis.	Spears.
Small.	Weinert.

The Presiding Officer laid H. B. No. 268 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Shivers.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Davis.	Spears.
Small.	Weinert.

Committee Substitute for House Bill No. 167 on Passage to Third Reading.

Senator Shivers called up from the President's table, on its passage to third reading (the bill having been read second time on yesterday):

C. S. for H. B. No. 167, A bill to be entitled "An Act to provide for the licensing of certain persons connected with race tracks; providing for residential requirements; prohibiting the employment of any person, by the Texas Racing Commission, who has a financial interest in any horse entered under the supervision of the Commission; providing authority to deny and revoke licenses; making certain exceptions; defining governing officials; providing penalties; providing a saving clause; repealing all laws in conflict herewith, and declaring an emergency."

The Presiding Officer laid the committee substitute bill before the Senate, on its passage to third reading.

Senator Shivers offered the following amendment to the bill:

Amend Committee Substitute to H. B. No. 167 by inserting a new Section to be known as Section Three and renumbering the succeeding Sections. Said Section Three shall read as follows: "All laws or parts of laws in conflict herewith are expressly repealed."

The amendment was adopted.

Senator Shivers offered the following amendment to the bill:

Amend Committee Substitute to H. B. No. 167 by adding a new paragraph to Section One which shall hereafter read as follows: "No person shall be a member of, or employed by the Texas Racing Commission who has any financial interest in any racing event under the supervision of the Texas Racing Commission."

The amendment was adopted.

Senator Burns offered the following amendment to the bill:

Amend Committee Substitute to H. B. No. 167 by adding a new Section to read as follows:

"Provided no Member of the Legislature or members elected shall be employed."

The amendment was adopted.

Senator Nelson offered the following amendment to the bill:

Amend Committee Substitute for H. B. No. 167 as substituted on page 3 by adding thereto a new Section to be known as Section 2-A to read as follows:

Chapter 10 of the Laws of the Forty-third Legislature, First Called Session, being H. B. No. 12, pages 32-41 of the General and Special Laws of the Forty-third Legislature, First Called Session, are hereby repealed.

Subsection 1. That from and after the passage of this Act it shall be unlawful for any person, association of persons, or any corporation, to at any place in this State, engage or assist in pool selling or bookmaking, to take or accept any bet or aid any other person in betting or taking or accepting any bet upon any horse race to be run, trotted, or paced in this State.

Subsection 2. That Articles 645, 647, 648, 649, 650 and 651 of the Penal Code of the State of Texas, be reenacted and read as follows:

Article 645. What "bet or wager" includes.—The bet or wager may be of money, or of any article of value, and any device in the form of purchase or sale or in any other form made for the purpose of concealing the true intention of the parties is equally within the meaning of a bet or wager.

Article 647. Pool selling or bookmaking.—No persons, or any agent

of any association of persons of any corporation, shall at any place in this State, engage or assist in pool selling or bookmaking on any horse race or by means of any pool selling or bookmaking, take or accept any bet or aid any other person in betting or taking or accepting any bet upon any horse race to be run, trotted, or paced in this State.

Article 648. Betting on horse racing.—No person or any agent of any association of persons or corporation, at any place in this State, by pool selling or bookmaking or by means of telegraph, telephone or otherwise, shall aid or assist any other person in wagering, betting or placing a bet or in offering to wager, bet or place a bet of anything of value on any horse race to be run, trotted, or paced at any place in this State or elsewhere.

Article 649. Using place for pool selling.—No owner, agent or lessee of any property in this State shall permit the same to be used as a place for selling pools or bookmaking or wagering or receiving or assisting any person in placing any bet or in receiving or transmitting any offer to bet anything of value on any horse race to be run, trotted, or paced at any place in this State or elsewhere.

Article 650. Penalty for three preceding Articles.—Whoever violates any provision of the three preceding articles shall be fined not less than Two Hundred nor more than Five Hundred Dollars, and be imprisoned in jail not less than thirty nor more than ninety days.

Article 651. Buying Pools.—Whoever shall buy pools or otherwise wager anything of value on any horse race to be run, trotted, or paced, at any place in this State or elsewhere, or offers to wager, or offers to place any money or other thing of value with any other person to be transmitted to any other place to be wagered on any such horse race, shall be fined not less than Twenty-Five nor more than One Hundred Dollars.

Provided however that none of the provisions of Section 2A or any subdivision thereof shall become effective until after June 1, 1937.

Senator Rawlings raised the point of order on consideration of the amendment: That the amendment is not germane to the subject matter

of the bill and that it changes the original purpose of the bill.

The Presiding Officer, Senator Woodruff, overruled the point of order.

Senator Hill moved the previous question on the amendment and the passage of the bill to third reading, and the motion was not seconded.

Question—Shall the amendment of Senator Nelson be adopted?

Motion to Recess.

Senator Moore moved that the Senate recess to 10 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion to recess was lost by the following vote:

Yeas—12.

Brownlee.	Roberts.
Head.	Shivers.
Moore.	Stone.
Pace.	Sulak.
Rawlings.	Van Zandt.
Redditt.	Winfield.

Nays—14.

Aikin.	Lemens.
Beck.	Neal.
Burns.	Nelson.
Collie.	Newton.
Cotten.	Oncal.
Hill.	Westerfeld.
Isbell.	Woodruff.

Absent.

Holbrook.

Absent—Excused.

Davis.	Spears.
Small.	Weinert.

Senate Bill No. 415 on Second Reading.

Senator Redditt, by unanimous consent, moved that Senate Rule No. 106 be suspended, to permit consideration by the Senate at this time of S. B. No. 415.

The motion prevailed by the following vote:

Yeas—26.

Aikin.	Hill.
Beck.	Isbell.
Brownlee.	Lemens.
Burns.	Moore.
Collie.	Neal.
Cotten.	Nelson.
Head.	Newton.

Oneal.	Stone.
Pace.	Sulak.
Rawlings.	Van Zandt.
Redditt.	Westerfeld.
Roberts.	Winfield.
Shivers.	Woodruff.

Absent.

Holbrook.

Absent—Excused.

Davis.	Spears.
Small.	Weinert.

Senator Redditt moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 415 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote:

Yeas—26.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Shivers.
Hill.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

Absent.

Holbrook.

Absent—Excused.

Davis.	Spears.
Small.	Weinert.

The Presiding Officer laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 415, A bill to be entitled "An Act amending Subsection (b) of Section 11 of Article 2 of H. B. No. 8, passed by the Third Called Session of the Forty-fourth Legislature, said bill being known as the Omnibus Tax Bill, etc., and declaring an emergency."

On motion of Senator Redditt, and by unanimous consent, Senate Rule No. 31a, requiring printed copies of a bill to be on the desk of each Senator 24 hours before consideration of the bill, and Senate Rule No. 48, requiring bills to lie over one day after being reported before consideration,

were suspended severally, to permit consideration of the bill at this time.

The bill was read second time and was passed to engrossment.

Senate Bill No. 415 on Third Reading.

Senator Redditt moved to suspend the constitutional rule requiring bills to be read on three several days and that S. B. No. 415 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Shivers.
Hill.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

Absent.

Holbrook.

Absent—Excused.

Davis.	Spears.
Small.	Weinert.

The Presiding Officer then laid S. B. No. 415 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Shivers.
Hill.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

Absent.

Holbrook.

Absent—Excused.

Davis. Spears.
Small. Weinert.

Senate Resolution No. 41.

Senator Burns, by unanimous consent, offered the following resolution:

Whereas, The committee appointed to investigate certain phrases of education needs until next Wednesday to complete its labor and file its report; therefore, be it

Resolved by the Senate, That said committee is hereby granted until next Wednesday to file its report.

The resolution was adopted.

Senate Bill No. 417 on First Reading.

By unanimous consent, the following (local) bill was introduced, read first time and referred to the Committee on Counties and County Boundaries:

By Senator Shivers:

S. B. No. 417, A bill to be entitled "An Act authorizing the County Judge to employ a stenographer or clerk in any county having a population of not more than 15,175 and not less than 15,125 inhabitants according to the last preceding census; regulating the salary of same; providing for payment of salary; providing for removal and declaring an emergency."

Committee Substitute for House Bill No. 167 on Passage to Third Reading.

The Senate resumed consideration of pending business, same being committee substitute for House Bill No. 167, on its passage to third reading, with amendment by Senator Nelson pending.

Senator Rawlings offered the following substitute for the amendment of Senator Nelson:

Amend C. S. for H. B. 167 by substituting for all pending amendments the following:

Section 1. In addition to the requirements of Subsections 3 and 5 of the Acts of 1933, Forty-third Legislature, Chapter 166, page 428, as amended by the Act of the Forty-third Legislature, First Called Session, Chapter 10, page 32, being Article 655-a of Vernon's Annotated

Revised Statutes of Texas relating to legalized and regulated racing of horses, an applicant for a license to conduct racing under such law, shall from and after January 1, 1938, as a further condition of the issuance thereof, present to and file with the Racing Commission as a part of the application for a license, a certificate of the county judge of the county in which such racing is proposed to be held, showing that a majority of the qualified electors of such county voting in a special election herein provided for have, at the last special election held for that purpose, voted in favor of the conducting of such racing in said county. The Racing Commission shall not issue a license for the conducting of the racing of horses in any county without such showing as herein required. Any license issued by the Racing Commission prior to January 1, 1936, shall on that date become void and shall be cancelled by the Commission.

Sec. 2. Whenever as many as ten (10%) per cent of the qualified voters of any county, taking the vote for Governor at the last preceding general election as the basis for determining the qualified voters of any county, shall petition the county commissioners' court to call a special election to determine whether or not the racing of horses shall be conducted in such county, it shall be the duty of the commissioners' court of said county, within ten days from the date of the filing of said petition, to order such election.

Sec. 3. As a condition of the right of such petitioners to the holding of such special election, they shall pay the expenses required for the holding of such election and they shall, at the time of filing said petition, deposit with the county clerk of said county such amount of money, in cash, as the commissioners' court shall estimate to be necessary to pay all the expenses of such election. Any amount so deposited not finally required for the payment of such expenses, shall, after such election, be returned to the depositor.

Sec. 4. After the first special election for such purpose is held in any county as provided in this Act the result of such election shall be in full force and effect until changed by a subsequent special election held under this Act, called under the provisions of Section 2 hereof, and the result of any such special election

shall continue until a further election has been held in such county, and no subsequent election in such county for the purpose of determining whether or not the racing of horses shall be conducted in such county shall be held earlier than twelve months from the effective date of the next preceding special election for such purpose.

Sec. 5. When the commissioners' court of said county, upon the petition provided for, shall order a special election, as herein provided for, it shall be the duty of said commissioners' court to order such special election to be held at the voting places within said county, upon a date not sooner than fifteen (15) days nor more than thirty (30) days from the date of such order, and the order thus made shall express the object of such special election and shall be held to be prima facie evidence that all the provisions necessary to give validity or to clothe the court with jurisdiction to make it valid, have been fully complied with. The court shall appoint such officers to hold such special election as now required to hold general elections.

Sec. 6. The clerk of said court shall post or cause to be posted at least one copy of said order in each election precinct in such county for at least five (5) days, Sundays only excluded, prior to the date of election, which election shall be held and the returns thereof made in conformity with the provisions of the General Laws of the State of Texas, and by the election officers appointed and qualified under such laws.

Sec. 7. (a) At said special election the vote shall be by official ballot, without party designation, and each ballot shall have written or printed at the top thereof in plain letters the word "Officials Ballot." Said ballot shall have also written or printed thereon the words, "For the legalized and regulated racing of horses," and the words, "Against the legalized and regulated racing of horses," and the clerk of the county shall furnish the presiding officer of each such voting box within the county, with a number of such ballots, to be not less than twice the number of qualified voters in such voting box, respectively, the number to be determined by the returns from such boxes at the next preceding general election for State officers,

and the presiding officer of each voting box shall write his name on the back of each ballot before delivering the same to the voter, and each person offering to vote at such special election shall, at the time he offers to vote, be furnished by such presiding officer with one such ballot and no voter shall be permitted to depart with such ballot and shall not be assisted in voting by any person except such presiding officer or by some officer assisting in the holding of such election, under the direction of such presiding officer, when requested so to do by such voter.

(b) Those who favor the legalized and regulated racing of horses in said county shall erase the words, "Against the legalized and regulated racing of horses," by making a pen or pencil mark through such words; and those who oppose it shall erase the words, "For the legalized and regulated racing of horses," by making a pen or pencil mark through such words. No ballot shall be received or counted by the officers of such special election that is not an official ballot and that has not the name of the presiding officer written thereon in the handwriting of such presiding officer, as is provided for by this Act.

Sec. 8. The officers holding such special election shall, in all respects not herein otherwise specified, conform to the general election laws in force regulating elections. The provisions of the general election laws shall be followed in calling and conducting said special elections, where not inconsistent with this Act; and after the polls are closed the officers holding such special election shall proceed to count the votes and within three (3) days thereafter make due report of such election to the aforesaid court.

Sec. 9. Said commissioners' court shall hold a special session on the fifth day after the holding of said special election, or as soon thereafter as is practicable, in no event to exceed ten days after the holding of said special election, for the purpose of canvassing the votes and certifying the results of such election. The court shall thereupon cause to be entered on its minutes an order which shall show the result of said election, stating in such order the number of votes cast in favor of legalized racing, and the number of

votes cast against it. The order thus made shall be held to be prima facie evidence that all of the provisions of the law have been complied with in giving notice and in holding said special election and counting and returning the votes and declaring the results thereof.

Sec. 10. The special election herein provided to be held shall be effective from and after sixty days from the date of the entry by the commissioners' court of the order declaring the result of such election.

Sec. 11. It shall be the duty of the county judge of said county, on the request of any applicant for license to conduct the racing of horses in said county, to promptly deliver to such applicant his official certificate in writing showing, if such be the fact, that a majority of the qualified voters of said county have, at a special election for that purpose, stating the date of said election, voted in favor of the conducting of such racing in said county, stating the number voting for and the number voting against, and also certifying whether the election referred to was the last election held in said county on said matter.

Sec. 12. Only those qualified, at the time of such special election, to vote under the provisions of Articles 2954, 2955, and 2956 of Chapter 5, Title 50, of the Revised Statutes of Texas, 1925, Revision, shall be qualified to vote at a special election held under this Act.

Sec. 13. The importance of the legislation proposed by this bill, and the crowded condition of the calendar, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and it is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

Senator Nelson raised a point of order on consideration of the substitute, on the ground that it provides for the holding of local option elections for a purpose not authorized by the Constitution.

The Presiding Officer overruled the point of order.

Senator Pace moved the previous question on the substitute and the amendment, and the motion was duly seconded.

Yeas and nays were demanded on the motion for the previous question, and the main question was ordered by the following vote:

Yeas—15.

Beck.	Nelson.
Burns.	Newton.
Collie.	Oneal.
Cotten.	Pace.
Head.	Redditt.
Hill.	Shivers.
Isbell.	Van Zandt.
Lemens.	

Nays—12.

Aikin.	Stone.
Brownlee.	Sulak.
Holbrook.	Weinert.
Moore.	Westerfeld.
Rawlings.	Winfield.
Roberts.	Woodruff.

Present—Not Voting.

Neal.

Absent—Excused.

Davis.	Spears.
Small.	

Question then first recurring on the substitute, yeas and nays were demanded.

The substitute was lost by the following vote:

Yeas—9.

Brownlee.	Stone.
Holbrook.	Sulak.
Moore.	Weinert.
Rawlings.	Winfield.
Roberts.	

Nays—19.

Aikin.	Nelson.
Beck.	Newton.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Redditt.
Head.	Shivers.
Hill.	Van Zandt.
Isbell.	Westerfeld.
Lemens.	Woodruff.
Neal.	

Absent—Excused.

Davis.	Spears.
Small.	

Senator Moore raised a point of order on further consideration of the bill at this time, on the ground

that in accordance with Section 5 of Article 3 of the Constitution the Senate has determined that the bill may not be considered at this time unless and until Senate Rule No. 106 has been suspended for the purpose of allowing it to be considered.

(President in the Chair.)

Message From the Governor.

Pending discussion of the point of order by Senator Moore, a Secretary of the Governor was recognized to present a message from the Governor, which was read to the Senate, as follows:

Austin, Texas, March 4, 1937.

To the Members of the Forty-fifth Legislature:

While I am of the opinion that the subject matter covered by the pending amendment to House Bill No. 167 has already been covered by my message to the Legislature, yet to remove any doubt, I hereby respectfully submit for immediate emergency action the matter of in anywise regulating the operation of race tracks or horse racing as specifically set out in said H. B. No. 167 and the proposed amendment pending before the Senate.

JAMES V. ALLRED,
Governor of Texas.

The President overruled the point of order raised by Senator Moore.

Senator Rawlings raised a point of order on further consideration of the amendment by Senator Nelson, for the reason that the amendment proposes to change the original purpose of the bill in violation of Section 30 of Article 3 of the Constitution and that it is in substance a complete bill, that has not been referred to and reported from a committee, as required by the Constitution and Rules of the Senate.

The President overruled the point of order.

Senator Rawlings asked unanimous consent of the Senate to move to reconsider the vote by which the main question was ordered on the amendment of Senator Nelson.

The President stated that objection was offered to the request.

Senator Rawlings moved to rescind the action and vote of the Sen-

ate in ordering the main question on the amendment of Senator Nelson.

Senator Woodruff raised a point of order on consideration of the motion to rescind for the reason that the effect of the motion if adopted would be to reconsider the vote by which the main question was ordered and that Senator Rawlings is forbidden by the rules to move to reconsider because he did not vote on the prevailing side of the question.

The President overruled the point of order.

Question recurring on the motion of Senator Rawlings, yeas and nays were demanded.

The motion to rescind was lost by the following vote:

Yeas—10.

Aikin.	Roberts.
Brownlee.	Stone.
Holbrook.	Sulak.
Moore.	Weinert.
Rawlings.	Winfield.

Nays—18.

Beck.	Nelson.
Burns.	Newton.
Collie.	Oneal.
Cotten.	Pace.
Head.	Redditt.
Hill.	Shivers.
Isbell.	Van Zandt.
Lemens.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Davis.	Spears.
Small.	

Question next recurring on the amendment of Senator Nelson, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—20.

Aikin.	Nelson.
Beck.	Newton.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Redditt.
Head.	Shivers.
Hill.	Sulak.
Isbell.	Van Zandt.
Lemens.	Westerfeld.
Neal.	Woodruff.

Nays—8.

Brownlee.	Roberts.
Holbrook.	Stone.
Moore.	Weinert.
Rawlings.	Winfield.

Absent—Excused.

Davis.	Spears.
Small.	

Senator Nelson offered the following amendment to the bill:

Amend the caption to conform to the body of the bill as substituted and amended.

Senator Pace moved the previous question on the amendment and the passage of the bill to third reading, and the main question was ordered.

Question first recurring on the amendment, it was adopted.

Question next recurring on the passage of the bill to third reading, yeas and nays were demanded.

The bill was passed to third reading by the following vote:

Yeas—20.

Aikin.	Nelson.
Beck.	Newton.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Redditt.
Head.	Shivers.
Hill.	Sulak.
Isbell.	Van Zandt.
Lemens.	Westerfeld.
Neal.	Woodruff.

Nays—8.

Brownlee.	Roberts.
Holbrook.	Stone.
Moore.	Weinert.
Rawlings.	Winfield.

Absent—Excused.

Davis.	Spears.
Small.	

Motion to Suspend Constitutional Rule.

Senator Nelson moved to suspend the constitutional rule requiring bills to be read on three several days and that C. S. for H. B. No. 167 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—20.

Aikin.	Nelson.
Beck.	Newton.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Redditt.
Head.	Roberts.
Hill.	Shivers.
Isbell.	Van Zandt.
Lemens.	Westerfeld.
Neal.	Woodruff.

Nays—8.

Brownlee.	Stone.
Holbrook.	Sulak.
Moore.	Weinert.
Rawlings.	Winfield.

Absent—Excused.

Davis.	Spears.
Small.	

Verification of Vote.

Senator Woodruff asked for a verification of the vote by which the motion of Senator Nelson to suspend the constitutional rule was lost.

The roll of those recorded as voting "yea" was called, the roll of those recorded as voting "nay" was called, and the names of the absentees were called; and the vote was found correct as first announced.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 4, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 352, A bill to be entitled "An Act to provide for the inspection of steam boilers; defining certain terms; requiring a permit to operate; exempting certain boilers from the provisions of the Act; providing for appointment of a Boiler Inspector and Deputies; providing for promulgation of rules and regulations by the Commissioner of Labor covering the inspection and operation of steam boilers; providing for certain hearings; providing for collection of fees for boiler inspection; providing for publications of rules and regulations;

providing for penalties for failure to comply with the provisions of this Act and rules enacted pursuant thereto; for injunction after notice against violators; providing for clerical assistants and supplies; fixing salaries and creating a 'Special Boiler Inspection Fund'; making an appropriation out of the General Revenue Fund; providing a saving clause, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill on First Reading.

The following bill, received from the House today, was read first time and referred to the appropriate committee as indicated:

H. B. No. 352, to Committee on Labor.

Adjournment.

On motion of Senator Rawlings, the Senate, at 2:10 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX.

Report of Standing Committees.

Committee Room,
Austin, Texas, March 4, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 415, A bill to be entitled "An Act amending Subsection (b) of Section 11 of Article 2 of H. B. No. 8, passed by the Third Called Session of the Forty-fourth Legislature, said bill being known as the Omnibus Tax Bill, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,
Austin, Texas, March 3, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 323, A bill to be entitled "An Act to validate the consolida-

tion of contiguous independent school districts lying in two or more adjoining counties and elections and proceedings in connection therewith, and to provide for their rights and powers as an independent school district."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with sub-committee amendment and be printed.

COTTEN, Chairman.

Committee Room,
Austin, Texas, March 3, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred H. B. No. 321, A bill to be entitled "An Act amending Chapter 141, Acts, Fortieth Legislature, Regular Session, as amended by Chapter 246, Acts, Forty-second Legislature, Regular Session, creating the Office of the Veterans' State Service Office attached to the Adjutant General's Department; providing for the appointment of a Veterans' State Service Officer and certain Assistant Veterans' State Service Officers, and other necessary personnel; defining the qualifications, authority, and duties of such officers; fixing and authorizing payment of their salaries, travel, and other expenses; providing that the main office shall be located in Austin, Travis County, Texas, repealing all laws and parts of laws in conflict therewith; providing a saving clause, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LEMENS, Chairman.

Committee Room,
Austin, Texas, March 3, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred S. B. No. 402, A bill to be entitled "An Act to amend Chapter 184 of the Regular Session of the Forty-fourth Legislature creating the Texas National Guard Armory Board and defining its powers and duties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LEMENS, Chairman.

Committee Room,
Austin, Texas, March 3, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred S. B. No. 298, A bill to be entitled "An Act to make the laws of Texas relating to the National Guard compatible with the Constitution and Laws of the United States as required by Section 46 of Article 16 of the Constitution of Texas, by amending the following Articles of the Civil Statutes of Texas as revised in the year 1925: Article 5780 so as to permit maintenance of all the troops allocated to Texas under Federal Law, Article 5839 so as to make nomenclature conform to Federal Law, and Article 5858 so as to make offenses condemned by military law and courts-martial procedure conform to that of Federal Law and regulations; to repeal any and all laws in conflict herewith."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LEMENS, Chairman.

Committee Room,
Austin, Texas, March 4, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 91,

Have had the same under consideration and beg leave to report back to the Senate that it do pass, with one amendment, and be printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, March 4, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 61,

Have had the same under consideration, and beg leave to report back to the Senate that it do pass, with three amendments, and be printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, March 3, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 374 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

THIRTY-FOURTH DAY.

(Friday, March 5, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Woodruff.
Nelson.	

The following Senators were absent and excused:

Spears. Winfield.

A quorum was announced present.
The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Woodruff.

Leave of Absence Granted.

Senator Winfield was granted leave of absence for today on account of important business, on motion of Senator Rawlings.

Reports of Standing Committees.

Reports on Senate Bills Nos. 75, 16, 124, 235, 122, 226, 283, 264, 419, and 409, and on House Bills Nos. 258 and 972, and on H. C. R. No. 48 were submitted by the chairmen of the several committees to